

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

MOTION TO QUASH SUBPOENA
ISSUED TO NON-PARTY CHEYNE
CAPITAL US, LP

Case No. 24-

DECLARATION OF SHIREEN BARDAY IN SUPPORT OF MOTION TO QUASH

I, Shireen A. Barday, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York. I am a partner of the law firm of Pallas Partners (US) LLP, which serves as counsel to Cheyne Capital US, LP in the above-captioned matter.

2. I make this declaration in support of the “Motion to Quash” Medical Properties Trust, Inc.’s (“MPT”) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in Civil Action, dated April 9, 2024 (the “Subpoena”).

3. Attached hereto as **EXHIBIT 1** is a true and correct copy of the Complaint in *Medical Properties Trust, Inc. v. Viceroy Research LLC, et al.*, No. 23-cv-408, ECF No. 1 (N.D. Ala.).

4. Attached hereto as **EXHIBIT 2** is a true and correct copy of the Motion for Issuance of a Letter of Request Pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Dated March 18, 1970, filed in relation to *Medical Properties Trust, Inc. v. Viceroy Research LLC, et al.*, No. 23-cv-408 (N.D. Ala.), as ECF No. 80.

5. Attached hereto as **EXHIBIT 3** is a true and correct copy of the Declaration of Jomaire A. Crawford in Support of Plaintiff’s Motion for Issuance of a Letter of Request Pursuant

to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Dated March 18, 1970, filed in relation to *Medical Properties Trust, Inc. v. Viceroy Research LLC, et al.*, No. 23-cv-408 (N.D. Ala.), as ECF No. 80-1.

6. Attached hereto as **EXHIBIT 4** is a true and correct copy of the Request for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, issued by the United States District Court for the Northern District of Alabama on January 18, 2024 (the “Letter Rogatory”).

7. Attached hereto as **EXHIBIT 5** is a true and correct copy of the March 6, 2024 letter from Quinn Emanuel Urquhart & Sullivan (UK) LLP, counsel for MPT.

8. Attached hereto as **EXHIBIT 6** is a true and correct copy of the March 13, 2024 letter from Pallas Partners (UK) LLP, counsel for Cheyne Capital Management (UK) LLP, to Quinn Emanuel Urquhart & Sullivan (UK) LLP, counsel for MPT.

9. Attached hereto as **EXHIBIT 7** is a true and correct copy of Cheyne Capital US’s May 9, 2024 letter enclosing its Responses and Objections to the Subpoena.

10. Attached hereto as **EXHIBIT 8** is a true and correct copy of a May 10, 2024 email communication that was received by representatives of Pallas Partners (US) LLP from Jomaire Crawford, a representative of Quinn Emanuel Urquhart & Sullivan LLP, counsel for MPT.

11. Attached hereto as **EXHIBIT 9** is a true and correct copy of a May 13, 2024 email communication from myself to Ms. Crawford in response to her prior email from May 9, 2024.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on: May 15, 2024

By: /s/ Shireen A. Barday

Shireen A. Barday